

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
FRANK G. SALADINO)
)
-VS-) No. 01-0392
COMMONWEALTH EDISON COMPANY)
)
Complaint as to numerous alleged)
violations in Rockford, Illinois)

Chicago, Illinois

December 11, 2001

Met pursuant to notice at 1:00 p.m.

BEFORE:

MS. CLAUDIA SAINSOT, Administrative Law Judge

1 APPEARANCES:

2 MR. FRANK G. SALADINO
3 P.O. Box 86
4 Rockford, Illinois
appearing pro se,

5 MR. MICHAEL S. PABIAN
6 10 South Dearborn Street
Chicago, Illinois 60603
7 appearing for Commonwealth Edison
Company.

8
9 ALSO PRESENT:

10 Mr. Rosario Nicosia
11 Mr. Sidney Banks
Mr. Frank Geraci

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20 SULLIVAN REPORTING COMPANY, by
21 Kerry L. Knapp, CSR
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1 JUDGE SAINSOT: By the authority vested in me
2 by the Illinois Commerce Commission, I now call
3 docket No. 01-0392. It is the complaint of
4 Frank G. Saladino against Commonwealth Edison as to
5 numerous alleged violations in Rockford, Illinois.

6 Will the parties identify themselves for the
7 record, please.

8 MR. SALADINO: I'm Frank G. Saladino, pro se,
9 in my complaint against Commonwealth Edison.

10 JUDGE SAINSOT: Your name and address,
11 Mr. Saladino.

12 MR. SALADINO: P.O. Box 86, Rockford, Illinois
13 61105.

14 MR. PABIAN: For Commonwealth Edison, Michael
15 S. Pabian, 10 South Dearborn Street, 35th Floor,
16 Chicago, Illinois 60603.

17 JUDGE SAINSOT: Okay. For the record, last
18 time we met, I asked Mr. --

19 MR. SALADINO: Excuse me. What about these
20 people? They're stockholders. They are witnesses.

21 JUDGE SAINSOT: They are not witnesses. We are
22 having a status hearing. We're not having an

1 evidentiary hearing. In any way, they're not
2 parties, so they don't --

3 MR. SALADINO: On his request, he says to state
4 what we wanted to state and then he would answer.

5 JUDGE SAINSOT: Who is he?

6 MR. SALADINO: The attorney, Fabian -- Pabian,
7 on his last affidavit, that he wanted things stated
8 so he could answer in two days.

9 JUDGE SAINSOT: What is this?

10 MR. PABIAN: I think he is referring to the
11 last request on our amended answer, that if the
12 matter were to proceed to hearing, that I think we
13 indicated that plaintiff be given an opportunity to
14 put on his case and then we'd be given some time to
15 respond to it.

16 JUDGE SAINSOT: But when we met last time, we
17 said this was a status hearing.

18 MR. PABIAN: Right.

19 JUDGE SAINSOT: We didn't talk about an
20 evidentiary hearing.

21 MR. SALADINO: I'm just going on his affidavit.

22 JUDGE SAINSOT: But that's not an affidavit.

1 That's an answer, first of all. And he doesn't
2 determine when trial is. I do with both of your
3 inputs. But, you know, I do.

4 Okay. As I was saying before, last time we
5 met, I asked Mr. Saladino to file an amended
6 complaint. And I did so because I could not
7 ascertain whether there was a violation of the
8 Public Utilities Act from the first complaint. And
9 the complaint was so vague, I felt that it -- we had
10 constitutional problems with it.

11 The United States Constitution requires notice
12 and an opportunity to be heard. And what that means
13 is if the facts -- the main body of facts in a legal
14 -- or in a legal theory in a complaint are not
15 specified, then we can't go to trial because there's
16 no notice to the other side.

17 I also, Mr. Saladino, cannot let you go on
18 record with accusations that are outside the legal
19 theories in your complaints. Frankly, accusations
20 have no place in a court. We present evidence at
21 trial or amongst ourselves when we're presenting
22 evidence in an informal basis to discuss settlement.

1 Now, I've read the amended complaint several
2 times, and these are my thoughts as to the amended
3 complaint.

4 MR. SALADINO: Can you be specific?

5 JUDGE SAINSOT: I'm being as specific as I
6 possibly can.

7 You have an allegation in here, Mr. Saladino,
8 that ComEd did not want blacks to build a church.
9 And it used that ugly racial epithet, nigger. Is
10 that correct?

11 MR. SALADINO: Yeah, niggers.

12 JUDGE SAINSOT: And you say this ruined a large
13 and costly business transaction?

14 MR. SALADINO: Yes.

15 JUDGE SAINSOT: That particular racial epithet
16 is directed at black people normally,
17 African-American people.

18 For the record, Mr. Saladino, you're white,
19 aren't you?

20 MR. SALADINO: Yes, also an NAACP card carrier.

21 JUDGE SAINSOT: Well, I need to know how that
22 affected you. And I need to know what the large and

1 costly transaction is. And I need to know how the
2 use of this racial epithet affected you.

3 MR. SALADINO: Would you repeat what you need
4 to know?

5 JUDGE SAINSOT: Sure. I need to know in the
6 complaint how that affected you and what this large
7 and costly unspecified transaction that it ruined,
8 what that was, and how you were a party to this
9 transaction or if you were a party to this
10 transaction.

11 You can't recover for injuries for -- to anyone
12 but yourself. And you have to allege facts in the
13 complaint that establish how you were injured and
14 what was your injury.

15 Unfortunately, the use of racial slurs, in and
16 of itself, is not necessarily
17 legal -- illegal.

18 MR. SALADINO: What I did is I could --

19 JUDGE SAINSOT: Mr. Saladino, I'm not done.

20 MR. SALADINO: Tell me when you're done.

21 JUDGE SAINSOT: However, sometimes the use of
22 racial slurs can violate a law. But I need to have

1 facts showing the context; who said what to whom in
2 those cases.

3 There are employment laws. There are all sorts
4 of civil rights laws. And, frankly, I don't have
5 jurisdiction over -- as I've said before,
6 Mr. Saladino, I don't have jurisdiction over any of
7 those.

8 But what I do have jurisdiction over or what I
9 might have jurisdiction over is this. If the use of
10 a racial slur is tied to this unspecified business
11 transaction that was
12 ruined -- and it appears to me like it might be
13 because you have them all in one sentence -- then
14 the use of racial slurs could be a pertinent fact if
15 the unspecified business transaction went awry
16 because of the use of these racial slurs.

17 And, please, for the record, I am not
18 suggesting in any way, shape or form that I tolerate
19 racial slurs in any way, shape or form.

20 But I have limited jurisdiction.

21 Okay. Now, as to your allegation regarding the
22 utility poles that are on your

1 land --

2 MR. SALADINO: Wait --

3 JUDGE SAINSOT: I'm not finished.

4 MR. SALADINO: Okay. Let me mark this off.

5 Right now we're talking about racial. Now we're
6 going to --

7 JUDGE SAINSOT: The utility. What I need to
8 know is what you want ComEd to do about that.

9 You also have an allegation in there about
10 ComEd employees leaving doors and gates open. What
11 do you want ComEd to do about that?

12 You have an allegation in there about
13 transformers too close to your property. What do
14 you want ComEd to do about that? Again, you have an
15 allegation in there about ComEd giving permission to
16 the cable and phone company to run lines. On whose
17 property and how does that affect you? And, again,
18 what do you want ComEd to do about it?

19 You have an allegation in there about a breach
20 of a verbal --

21 MR. SALADINO: You're going a little bit too
22 fast for me.

1 JUDGE SAINSOT: Take your time. You can also
2 get a copy of the transcript from the court
3 reporter.

4 MR. SALADINO: I have to answer you, don't I?
5 I have to write my own notes here.

6 JUDGE SAINSOT: The transcript could give you
7 that, too.

8 You have an allegation about a breach of a
9 verbal contract to purchase land. We don't have
10 verbal contracts to purchase land in Illinois. They
11 don't exist. That's called the statute of frauds.

12 You have an allegation in here about trees
13 being cleared. You don't say from whose property.
14 If it's not your property, I need to know how you
15 were affected by that and how you were damaged and
16 what you want ComEd to do about that, if anything.

17 You have an allegation in here about damage to
18 your real estate. I need to know what you want
19 ComEd to do to fix it. You know, they can give you
20 money damages.

21 Frankly, I need to know generally when this
22 occurred, you know, what -- roughly some time period

1 with all of these allegations.

2 In conclusion, there are many legal theories
3 that are still constitutionally insufficient in your
4 amended complaint.

5 And as I said last time we met, I need to know
6 as much as possible; who, what, where, when,
7 relevant dates, times. You don't have to be that
8 specific, but you have to be specific enough so that
9 any -- so that the other side can adequately prepare
10 for trial.

11 And you have to do that because that's what the
12 United States Constitution says. It's not that I'm
13 being fair -- or being -- well, it's not that I'm
14 being one-sided. I hope I am being fair.

15 So I wasn't trying to be harsh when I asked you
16 to amend your complaint. I was trying to operate
17 for everybody's benefit within the confines of the
18 constitution and within the confines of my own
19 jurisdiction.

20 Your amended complaint still doesn't give me
21 enough facts to allow me or anyone else to tell
22 whether the Public Utilities Act was violated and it

1 still doesn't satisfy the constitutional
2 requirements of notice of the charges against ComEd.

3 Now, Mr. Pabian, I don't think I can give you
4 two weeks to prepare a defense either. I don't
5 think that's -- I think we're getting borderline --
6 I would think that that would be unfair.

7 I think probably the proper constitutional
8 remedy is to have a complaint that spells out the
9 facts in enough detail so that you are able to
10 prepare a defense. And I think that's what Sections
11 26.15 and 26.19 of the Code of Civil Procedure
12 afford, make sure that that's there.

13 So, Mr. Saladino, I'm going to give you time to
14 file an amended complaint.

15 And, Mr. Pabian, you can -- I'll give you time
16 to file an answer or other responsive pleading.

17 How much time do you want,
18 Mr. Saladino?

19 MR. SALADINO: First thing, do we get to speak
20 on some of the things you said this morning?

21 JUDGE SAINSOT: No.

22 MR. SALADINO: We don't?

1 JUDGE SAINSOT: No.

2 MR. NICOSIA: It's a statement she made to you.

3 JUDGE SAINSOT: I made a ruling finding your
4 amended complaint legally and constitutionally
5 insufficient.

6 MR. SALADINO: I brought --

7 JUDGE SAINSOT: Well, if you --

8 MR. SALADINO: -- real evidence.

9 JUDGE SAINSOT: If you wish to argue -- both
10 sides, if you wish to argue as to the sufficiency,
11 the legal sufficiency of your complaint --

12 MR. SALADINO: I'd just like to answer some of
13 the things you said here.

14 JUDGE SAINSOT: Well, I'll -- okay, briefly,
15 though.

16 MR. SALADINO: I'll cut it short. Don't worry.

17 JUDGE SAINSOT: Okay.

18 MR. SALADINO: The gentleman I brought with me
19 is Deacon Banks. He's one of the deacons and
20 ministers that were involved with this transaction,
21 us not getting electricity, and himself -- I didn't
22 want to bring three or four, but we will -- on the

1 discrimination. We have proof. We have live proof.

2 Two, we have a copy that says there that we had
3 a proposed 2,000-square foot building. That's why
4 they put transformers. You have no papers from us,
5 architectural or engineering. Those are your papers
6 -- I mean Commonwealth Edison's papers -- of this
7 building.

8 2,000 square feet is no bigger than a garage.
9 I don't think we'd spend hundreds of thousands of
10 dollars on sewer and water. Well, that's a defense.

11 But when we went to put our building down, we
12 were told that because of this signature, this is
13 why we have transformers for us to put a building
14 down. When we went to put a building down, they
15 said there's no transformers.

16 JUDGE SAINSOT: Mr. Saladino, please confine
17 your arguments to what -- to the merits of --

18 MR. SALADINO: You mentioned transformers.
19 Transformers are on the property. We were told
20 there's no transformers when we went to do
21 construction with Mr. Banks and the other ministers.

22 But in their statement, they say that we were

1 getting transformers to put a building down. Got to
2 be one way or the other. Either there's no
3 transformers or there's transformers. Either it's
4 for a building or you put them down or you put the
5 lights down for your building.

6 Which way do they want it? I requested
7 documents to show me the construction work that's
8 been done. Nothing has been given to me.

9 JUDGE SAINSOT: Mr. Saladino, those facts could
10 very, very well be pertinent. And this is exactly
11 my point. Those facts need to be in your complaint.

12 All I have is one sentence in your complaint,
13 maybe two about the transformers. I don't know much
14 about them and neither would anyone else in the
15 current status that your case is in.

16 That is exactly my point; that I need more
17 information about these transformers and
18 Mr. Pabian probably does, too. And since the
19 constitution requires me to care about Mr. Pabian, I
20 do.

21 MR. SALADINO: We will do what you want because
22 we can prove everything we say from discrimination

1 to no electricity to transformers and damage to
2 property.

3 We can prove everything as is a letter that was
4 sent to you and Mr. Pabian, you have requested --
5 because you ordered him to produce under the same
6 thing as a court would be under a 214 -- you had
7 another number. And I answered him, but I produced.

8 It says, You have answered my request for you
9 to produce with a letter of request for myself to
10 produce exhibits that you already have. And I
11 produced everything. But still there's two letters
12 here. I asked for certain evidence.

13 JUDGE SAINSOT: But didn't I suspend the
14 discovery until we got a -- I thought I did that in
15 the last hearing.

16 MR. SALADINO: No, this is when you told us for
17 us to talk. And you says, You have a right to
18 request. And he does. I requested. Got nothing.
19 He requested. I gave him everything.

20 JUDGE SAINSOT: It's suspended now. And I
21 suggest we have another status hearing after -- you
22 need to give me some notion as to how much time you

1 want to file an amended complaint. And at this
2 point, I suppose you'd call it a first amended
3 complaint.

4 And, Mr. Pabian, you need to give me some
5 indication as to how long you'd like to file some
6 kind of response to the amended complaint.

7 MR. PABIAN: Two weeks.

8 JUDGE SAINSOT: Two weeks. Okay.

9 MR. SALADINO: I have an objection. You stated
10 that you did not want to see or get any of the
11 paperwork.

12 Therefore, if I submit 20 pieces of
13 documentation to him, you don't know about it, then
14 you sit down and you say nothing -- you don't
15 understand it because nothing has been given.

16 Meanwhile, he's got pictures. He has letters.
17 He's got all kinds of documentation to answer the
18 complaint, everything that's needed. But because
19 you didn't want any of this, he's got it; you don't.

20 JUDGE SAINSOT: That's right. That's the legal
21 system.

22 MR. SALADINO: Then you cannot tell me that I

1 haven't -- you tell me I can't prove this, I can't
2 prove this, I can't --

3 JUDGE SAINSOT: Oh, no, no. I don't think you
4 can't prove it. I just don't know what you're
5 proving. I need to have some notice and I need to
6 understand what it is. And I'm just talking factual
7 ballpark, you know.

8 I don't have enough facts to know what it is
9 that you're proving. And that's the problem. It's
10 not at all that you can't prove it. I haven't given
11 that any thought whatsoever. And I -- it seems like
12 you have a lot of documents.

13 MR. SALADINO: I do.

14 JUDGE SAINSOT: And witnesses. But that's not
15 the point.

16 The point is that in order for us to get to the
17 proof, I need to have enough facts to know what
18 you're trying to prove.

19 MR. SALADINO: I'm a little mixed up here
20 because -- maybe you can help me out here.

21 How can I show you the roads have been damaged
22 if I can't give you the pictures? How can I show

1 that you Commonwealth Edison is on my property if I
2 can't show you the trucks that we stopped on the
3 property? We have those.

4 JUDGE SAINSOT: Well, of course. I don't see
5 what the problem is, Mr. Saladino.

6 MR. SALADINO: Just what you're saying.

7 JUDGE SAINSOT: We'll have a trial, but we need
8 to have a trial on a complaint that has enough facts
9 so that everyone knows what's going on, so that
10 there are no surprises.

11 MR. SALADINO: I would be more than happy as
12 long as you see the complaint we state and the
13 evidence that goes with it.

14 JUDGE SAINSOT: Well, of course.

15 MR. SALADINO: You didn't -- you have my
16 complaint.

17 JUDGE SAINSOT: But I can't --

18 MR. SALADINO: If I read this complaint, there
19 would be no proof either unless I can show you the
20 proof.

21 JUDGE SAINSOT: I can't have any evidence until
22 we have a trial. And we're not going to have a

1 trial until we have a complaint that adequately
2 informs us. That's the system.

3 MR. SALADINO: You have a complaint. If you
4 want me to fill in this complaint with pictures of
5 witnesses, I will. I can't say this person does
6 this unless I have this gentleman and the other
7 minister to come say, yes, this happened on such and
8 such a date.

9 If you knock out my discovery -- if this
10 happened to him in the room at Commonwealth Edison
11 and he was at Commonwealth Edison, they can't speak
12 how can I prove it. If I can't show you the damaged
13 road, how can I prove it?

14 MR. PABIAN: Can I say something?

15 JUDGE SAINSBOT: Hm-hmm.

16 MR. PABIAN: I think at the risk of -- well,
17 let me just say that it's not just the facts
18 themselves that are important, but it's -- as Judge
19 Sainsbot was saying, it's what do the facts mean in
20 the context of your complaint and what do you want
21 ComEd to do about it, I think, are possibly as
22 crucial an element to your complaint as the simple

1 allegation of facts.

2 JUDGE SAINSOT: I think that's true.

3 MR. PABIAN: Is that a fair statement?

4 JUDGE SAINSOT: Because I have limited
5 jurisdiction. And I think you're correct,
6 Mr. Pabian, that there are certain things --

7 MR. SALADINO: Can I ask you, what is limited
8 jurisdiction? Can I ask you, what is the
9 duties -- because I don't know -- of the Illinois
10 Commerce Commission?

11 And I notice that you're a judge, you know.
12 What exactly does -- the Commerce Commission, are
13 they for the people to work out any kind of
14 arguments? I don't know.

15 JUDGE SAINSOT: Let me say this.

16 The Illinois Public Utilities Act gives me the
17 right or gives me -- not -- right is definitely the
18 wrong word -- the authority to preside over cases.

19 There's an article in the Illinois Constitution
20 that gives a Circuit Court judge his or her
21 authority. So a Circuit Court judge has all sorts
22 of abilities and capabilities that I don't have.

1 I can't, for example, administer Section 1983,
2 which is based on the United States Constitution,
3 while I have to follow the Constitution --

4 MR. SALADINO: Going way back, 1983.

5 JUDGE SAINSOT: Well, Section 1983 actually was
6 enacted just after the Civil War.

7 While I have to follow the constitution, I
8 cannot administer or breach of -- breach of that law
9 is not something that I have jurisdiction over.

10 MR. SALADINO: Let me try to straighten this
11 out. You say you want an amended complaint?

12 JUDGE SAINSOT: Right.

13 MR. SALADINO: Okay. Now, let me ask you, with
14 this amended complaint, I'll state the facts and
15 witnesses. And to tell you what we want, I think,
16 would you need to determine if we have a right?

17 JUDGE SAINSOT: Well, maybe, yeah. But, I
18 mean, seeking damages, for example, for your
19 trespass to your real estate is different than
20 ordering ComEd employees not to trespass. It's very
21 different.

22 MR. SALADINO: That's just one of many.

1 JUDGE SAINSOT: And how you would go about
2 proving your case up, I think, would be different.

3 MR. SALADINO: We have pictures of witnesses.

4 JUDGE SAINSOT: That sort of thing.

5 MR. SALADINO: Why don't we let ComEd prove
6 their innocence?

7 JUDGE SAINSOT: Because that's not how the --

8 MR. SALADINO: Why don't you hear both sides of
9 the argument? If they have no argument -- if I have
10 a picture and pictures with their trucks driving on
11 my land --

12 JUDGE SAINSOT: Mr. Saladino, we don't get to
13 ComEd if we don't have a complaint that sticks. If
14 we don't have a legally sufficient complaint, we all
15 go home. So I'm giving you another opportunity.

16 And by legally sufficient, what I mean is
17 something with enough facts in it to support a cause
18 of action. I don't mean citations to laws. I mean
19 facts.

20 MR. SALADINO: And which, for the record, we
21 have submitted facts to the attorney for
22 Commonwealth Edison. You just haven't received

1 them.

2 JUDGE SAINSOT: But the legal system --

3 MR. SALADINO: When do you want the facts?

4 JUDGE SAINSOT: Mr. Saladino --

5 MR. SALADINO: When do you want the facts? Do
6 you receive them? When is there going to be a
7 trial? When do we argue?

8 JUDGE SAINSOT: Mr. Saladino, there will be no
9 trial if we don't have a legally sufficient
10 complaint.

11 MR. SALADINO: Yes. Fine. You said to amend
12 it. Then we'll bring in the facts, I take it, with
13 the complaint this time?

14 JUDGE SAINSOT: No. We will have the facts
15 alleged in the complaint, period. We will not have
16 a trial. We will have a status hearing after the
17 complaint is filed and after Mr. Pabian has filed
18 whatever he is going to file.

19 MR. SALADINO: How can I put up a defense when
20 I can't get any documents? Either I have to say --
21 Commonwealth has to say there is no documents or
22 they have them.

1 You gave me permission to get them. I asked
2 for certain things of Mr. Pabian. I haven't
3 received anything.

4 JUDGE SAINSOT: Well, Mr. Pabian is under no
5 obligation whatsoever --

6 MR. SALADINO: He was under your order to give
7 me disclosure.

8 JUDGE SAINSOT: Yes, and then I rescinded that.

9 MR. SALADINO: But we've been going at this
10 eight months. He's had months to give it to me.
11 And I have to say, if you can't give it to me, then
12 you don't have it.

13 JUDGE SAINSOT: We are not having any more
14 discovery until I have a complaint that sticks. I
15 don't see any point.

16 MR. SALADINO: Can you explain to me -- you
17 gave me -- we'll have a date on the amended
18 complaint and --

19 JUDGE SAINSOT: We'll have a date on the
20 amended complaint and we'll have a date for filing
21 on the amended complaint and then we'll have a date
22 for a status hearing on the amended complaint, but I

1 see no point in burdening

2 anyone --

3 MR. SALADINO: When can we see some evidence
4 that my complaint don't stick from them? So far
5 it's me. I have witnesses, pictures all over the
6 place. What do they have?

7 JUDGE SAINSOT: They have the United States
8 Constitution on their side.

9 MR. SALADINO: So do we. So do we.

10 JUDGE SAINSOT: Well, in this case --

11 MR. SALADINO: And there is racial --

12 MR. GERACI: What would you like us to be more
13 specific about?

14 JUDGE SAINSOT: Well, you want me to go over my
15 list again? I'd be happy to.

16 MR. GERACI: Yes, would you, please.

17 MR. SALADINO: Could we get a copy of it so we
18 could read it?

19 MR. NICOSIA: It's in the transcript.

20 MR. SALADINO: Good.

21 JUDGE SAINSOT: It's in the transcript. And I
22 have the handwriting from purgatory, so I'm not sure

1 that would help you.

2 Okay. You have an allegation in there about
3 ComEd not wanting black people to build a church.
4 And you used the word "nigger" in there, which I
5 find personally reprehensible.

6 MR. SALADINO: Why, if it was said, do you find
7 it personally reprehensible? Against them or
8 against me for stating what they said?

9 JUDGE SAINSOT: Let me be clear. I just don't
10 like epithets. Let me be clear.

11 MR. SALADINO: Neither does this
12 African-American man. That's a witness here.
13 Neither does he like it.

14 JUDGE SAINSOT: Right. Let me be clear on that
15 subject.

16 You also said that ComEd's actions in this vein
17 ruined a large and costly business transaction. You
18 didn't specify what the business transaction was.

19 I need to know how the use of this racial
20 epithet towards another person,
21 Mr. Saladino, because you're white, affected you.

22 MR. SALADINO: There is more than one answer to

1 that, but I'm glad she's taking it down.

2 It's very hard to do something with property
3 when you leave doors open and people are scared of
4 what can happen if somebody goes in there and pulls
5 these switches. We can prove that.

6 JUDGE SAINSOT: Well, Mr. Saladino, let me
7 continue.

8 MR. SALADINO: It's in there.

9 JUDGE SAINSOT: You can't --

10 MR. SALADINO: I'm just saying there's more
11 than one answer to that.

12 JUDGE SAINSOT: You also can't recover for
13 injuries to anyone but yourself. And that's a
14 pretty hard and fast legal rule.

15 MR. SALADINO: These are stockholders.

16 JUDGE SAINSOT: Well, you can't recover --

17 MR. SALADINO: And contractors. My money
18 because I was the general contractor.

19 JUDGE SAINSOT: You can't recover damages
20 for --

21 MR. SALADINO: For anyone else.

22 JUDGE SAINSOT: -- use of racial epithets

1 unless those racial epithets are tied somewhere to
2 you in some other way. Other people -- let me think
3 of how to explain this.

4 If you were black and this were the Illinois
5 Human Rights Commission, you wouldn't have to tie
6 the use of the racial epithet to anything else. It
7 would be obvious that it injured you.

8 Do I make my point?

9 MR. SALADINO: My partners are black.

10 JUDGE SAINSOT: Well, then you need to tie that
11 up in some way that establishes that you were
12 injured, Mr. Saladino.

13 MR. SALADINO: The people who were buying from
14 me were black. I'm going to read the transcript.
15 The reason I'm saying a few things, so when I do
16 read it, I'll know how to answer it.

17 JUDGE SAINSOT: You need to tell me how ComEd
18 utility poles on your land affect you. And you need
19 to tell me what you want ComEd to do about those
20 utility poles.

21 You need to tell me how ComEd employees leaving
22 doors and gates open, how that affects you and what

1 you want ComEd to do about that.

2 You need to tell me what you want ComEd to do
3 about the transformers that are allegedly too close
4 to your property. You need to tell me what -- with
5 regard to this allegation about ComEd giving
6 permission to the cable and phone company to run
7 cable, I guess, on whose property and how that
8 affects you and what you want ComEd to do about it.

9 Again, the breach of the verbal contract for
10 the purchase of land, we don't have verbal contracts
11 for real estate in Illinois.

12 MR. SALADINO: Could you read back starting
13 with ComEd before we got to --

14 JUDGE SAINSOT: You want the court reporter to
15 read it back?

16 MR. SALADINO: Yes.

17 JUDGE SAINSOT: From where?

18 MR. SALADINO: Just read back -- pick a spot.
19 I'm sorry.

20 (Record read as requested.)

21 MR. SALADINO: Okay. For the record, they want
22 to put lines all through the land. When you do, you

1 can't put a building on top of it.

2 JUDGE SAINSOT: Well, that --

3 MR. SALADINO: I'm just -- not for you.

4 I'm -- and also about the transformers, why -- we've
5 been here eight months. I have pictures.

6 As this complaint is going on, they're out
7 there right now taking transformers down and
8 working. Matter of fact, their truck --

9 JUDGE SAINSOT: Mr. Saladino --

10 MR. SALADINO: I'm doing this for myself, not
11 for you. I just don't want to forget it.

12 These transformers, as we've been talking,
13 they're out there. I got pictures. So, I mean, how
14 they affect me, now when I get that, I'll know what
15 to state.

16 JUDGE SAINSOT: Okay.

17 I think I have one more about your damage to
18 land. I also need to know the nature of the damage
19 to the land. I'm not -- I don't think that's going
20 to be too difficult for you.

21 MR. NICOSIA: How can he give you that if some
22 of the damages are being continued?

1 JUDGE SAINSOT: Then he needs to put that in
2 there.

3 MR. NICOSIA: Or either that or he has to get
4 an injunction to stop them from trespassing or
5 something. It's ongoing. It isn't stopped. This
6 situation is ongoing.

7 MR. SALADINO: It's ongoing.

8 JUDGE SAINSOT: See, I don't know that from
9 looking at your complaint, Mr. Saladino.

10 MR. SALADINO: And there again --

11 JUDGE SAINSOT: And, frankly, Mr. Saladino, I
12 don't know if this happened 20 years ago or it's
13 ongoing. I have no idea --

14 MR. SALADINO: With witnesses.

15 JUDGE SAINSOT: -- of -- well, no. That's not
16 how the system works. We have enough facts in a
17 complaint so that we have some idea of what
18 happened, when it happened, who did it.

19 Now, I understand you might not know every
20 ComEd employee's name. I understand you might not
21 remember whether something happened in May or June.
22 And if it happened five years ago, maybe you don't

1 remember whether it's five or six years ago.

2 I understand that, but I need to have facts
3 that are a little more substantial other than they
4 damaged your land.

5 MR. SALADINO: We can prove the facts. How do
6 we go about getting -- or do they have their
7 construction records? We say they don't have any.
8 They can't produce any.

9 JUDGE SAINSOT: We're not going to even go
10 there until I have a complaint that's workable.

11 MR. SALADINO: Okay. When do you want the
12 amended complaint in?

13 JUDGE SAINSOT: Well, what works with your
14 schedule, Mr. Saladino? I'll be glad to give you as
15 much time as you need.

16 (Discussion off the record.)

17 JUDGE SAINSOT: Don't forget the next status
18 hearing will be a status hearing. It will not be an
19 evidentiary hearing.

20 MR. SALADINO: What would a status hearing be?

21 JUDGE SAINSOT: Status hearing will determine
22 where we're going to proceed with this complaint.

1 MR. SALADINO: And besides the facts we're
2 going to try to allege on paper, what other kind of
3 facts can we produce or bring? Affidavits, if we
4 can't bring the people themself?

5 JUDGE SAINSOT: Nothing.

6 MR. SALADINO: Pardon me?

7 JUDGE SAINSOT: Nothing.

8 MR. NICOSIA: She suspended discovery, Frank,
9 until you've got the amended complaint clarified.
10 She's trying to do the verification to depict
11 everything.

12 JUDGE SAINSOT: I tell you what. You will be
13 good to get in order as -- at that status hearing to
14 get in order what discovery you'd like to proceed
15 with and that sort of thing.

16 MR. SALADINO: Yeah. I would say this -- I say
17 this is wrong because I have so and so and so and so
18 on such and such a date at ComEd?

19 JUDGE SAINSOT: Right.

20 Well, how long do you want --

21 MR. SALADINO: I would say 60 days.

22 JUDGE SAINSOT: 60 days? So we're looking at

1 mid February. February 13th good?

2 MR. PABIAN: Yeah.

3 MR. SALADINO: Yeah.

4 JUDGE SAINSOT: It's the day after President's
5 Day.

6 MR. SALADINO: We should have the amended
7 complaint. That would be in Springfield, sent?

8 JUDGE SAINSOT: Right.

9 MR. BANKS: Is that Ash Wednesday?

10 JUDGE SAINSOT: It is.

11 MR. BANKS: Sorry. I can't do that.

12 JUDGE SAINSOT: All right. Let's not do
13 Ash Wednesday.

14 MR. PABIAN: You're not going to have to do
15 anything. We're talking about the date the amended
16 complaint --

17 JUDGE SAINSOT: Right. You don't have to do
18 anything.

19 MR. SALADINO: Yeah, I know, but they're
20 involved. What he's saying is there's a certain
21 holy period for both of them. Those are ministers
22 that are involved. Change your dates.

1 JUDGE SAINSOT: How about February 20th at
2 1:00?

3 MR. SALADINO: 1:00.

4 JUDGE SAINSOT: Okay. And you want how long,
5 Mr. Saladino? A month to file the complaint, your
6 first amended complaint?

7 MR. SALADINO: Yes, maybe six weeks, five
8 weeks.

9 JUDGE SAINSOT: Six weeks is doable. Six
10 weeks. And then two weeks is still good for you,
11 Mr. Pabian?

12 MR. PABIAN: Sure. So January 22nd.

13 JUDGE SAINSOT: Yeah, I'm just figuring that
14 out myself.

15 MR. PABIAN: January 22nd.

16 JUDGE SAINSOT: Yours is the 22nd.

17 MR. PABIAN: For the complaint would be the
18 22nd. Amended complaint would be due
19 January 22nd. And then our answer would be due
20 February 4th. Right?

21 JUDGE SAINSOT: That seems right. On a Monday?

22 MR. PABIAN: I'm sorry. February 5th because

1 we're doing Tuesday.

2 MR. SALADINO: Let me -- because my memory --
3 it's not bad. We have no -- we can ask for no
4 discovery; is that correct? Just what we have?

5 JUDGE SAINSOT: At the present time. Once we
6 get past the complaint hurdle, you can have
7 additional discovery.

8 MR. NICOSIA: That's what the status hearing is
9 for; right?

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1 JUDGE SAINSOT: Right. Okay. So we're all
2 done, I think, unless I missed something.

3 (Whereupon, the above
4 entitled proceedings were
5 continued to February 20,
6 2002, at 1:00 p.m.)